



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAY 05 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 5966 0706**

Mr. George Mullen  
Winthrop Management, L.P.  
1111 Marcus Avenue  
Lake Success, NY 11042

Re: Request for Information Pursuant to Section 308 of the Clean Water Act  
1111 Marcus Avenue Construction Site  
SPDES ID: NYR10W378  
Docket Number: CWA-IR-14-014

Dear Mr. Mullen:

The purpose of this Request for Information ("RFI") letter is to require you to submit information to the United States Environmental Protection Agency ("EPA"), Region 2, regarding the construction site located at or near 1111 Marcus Avenue in Lake Success, New York (the "Site").

Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. § 1311, the EPA shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the CWA, EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

**REQUEST FOR INFORMATION**

You are hereby required, pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), to submit the following documents and/or requested information regarding the activities conducted at the Site, **within thirty (30) calendar days of receipt** of this RFI:

1. The total area (in acres) of the Site and the total disturbed area (in acres) of the Site located in the Village of Lake Success and in the Town of North Hempstead, respectively. Note that the total area of the Site also includes any associated storage areas or other areas that are part of the common plan for the Site or where auxiliary activities take place;
2. A description, drawing and/or map that explains where stormwater is collected at the Site and also all discharge location(s) for stormwater including but not limited to, runoff, culverts, ditches, a

municipal separate storm sewer system ("MS4"), streams, lakes and wetlands. Also include the name of the receiving body or bodies of water for stormwater discharges from the Site;

3. The date that the construction began at the Site and the date that construction is expected to be completed at the Site;
4. A copy of the Letter of Acknowledgement from the New York State Department of Environmental Conservation ("NYSDEC") confirming receipt of the Notice of Intent ("NOI") you submitted in order to obtain coverage under the NYSDEC State Pollution Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) ("CGP" or "Permit") (SPDES ID No. NYR10W378);
5. Dates that the Stormwater Pollution Prevention Plan ("SWPPP") was developed and implemented at the Site;
6. A copy of the signed MS4 SWPPP Acceptance form submitted with the NOI and prepared pursuant to Part II.A.2 of the CGP; and
7. Copies of all weekly inspection reports prepared by a qualified inspector pursuant to Part IV.C of the CGP from the start of construction activity at the Site to present.

### **CERTIFICATION**

Any documents to be submitted must be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

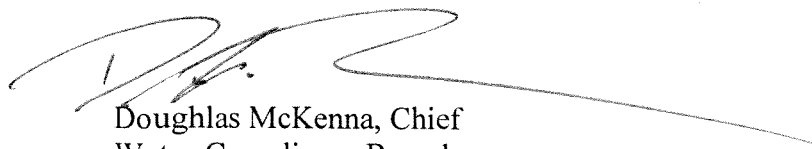
All information required to be submitted by this request shall be sent by registered mail or its equivalent to the following address:

Douglas McKenna, Chief  
Water Compliance Branch  
Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 20th Floor  
New York, New York 10007

Failure to provide the required information may subject the facility to civil/criminal penalties pursuant to Section 309 of the CWA. Failure to comply with the RFI shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

Should you have any questions regarding this request, feel free to have your staff contact Ms. Justine Modigliani, Compliance Section Chief at (212) 637-4268.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. McKenna', with a long horizontal flourish extending to the right.

Douglas McKenna, Chief  
Water Compliance Branch

cc: Joseph DiMura, NYSDEC

